

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 CATHERINE SANTILLAN
Senior Legal Analyst
California Department of Justice
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5579
Facsimile: (415) 703-5480
6
7 Legal Representatives for Complainant

8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against: Case No. 1 D 2003 63307

12 HUSSEIN SALAH
3344 W. Caldwell Avenue, Apt. 4
13 Visalia CA 93277

A C C U S A T I O N

14 Physical Therapy Assistant License No. AT 550

15 Respondent.

16 _____
17 Complainant alleges:

18 **PARTIES**

19 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Physical Therapy Board of California,
21 Department of Consumer Affairs.

22 2. On or about March 9, 1981, the Physical Therapy Board of California
23 issued Physical Therapy Assistant License Number AT 550 to Hussein Salah (Respondent).
24 The Physical Therapy Assistant License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on April 30, 2004, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws.

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6 All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 2609 of the Code states:


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The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

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5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the

 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose


probationary conditions upon, or issue subject to terms and conditions any license, certificate, or

approval issued under this chapter for any of the following causes:

 (d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

6. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

 (b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge,

1 the administrative law judge shall not increase the amount of the assessed costs
2 specified in the proposed decision.

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5 FIRST CAUSE FOR DISCIPLINE

6 (Conviction)

7 7. Respondent is subject to disciplinary action under section 2660(d) in that
8 he was convicted of a violation of Penal Code section 664/11350(b), attempted possession of a
9 controlled substance, a misdemeanor. The circumstances are as follows:

10 8. On or about November 15, 2002, respondent was driving on Hamilton
11 Street in Oakland, California. He parked his car at 71st Street and Hamilton Street. Oakland
12 Police Officer O. Crum was working at the intersection as an undercover officer. Respondent
13 asked Officer Crum if the officer had any AD@, which Officer Crum understood to be a slang
14 term for crack cocaine. Officer Crum gave respondent two rocks of fake cocaine in exchange for
15 \$20.00 from respondent. Respondent then drove away, and the Officer gave a signal to the arrest
16 team to pull over respondent=s vehicle. Respondent was arrested for a violation of Penal Code
17 section 664/ Health & Safety code section 11350(b), attempted possession of a controlled
18 substance.

19 9. In *People of the State of California vs. Hussein Salah*, Superior Court,
20 Alameda County, case no. 481907, respondent was charged with a misdemeanor violation of
21 Penal Code section 664/Health & Safety code section 11350(b), attempted possession of a
22 controlled substance. On or about January 23, 2003, respondent entered a plea of no contest.
23 Judge Richard Iglehart accepted the plea and convicted respondent. A stipulated factual basis for
24 the plea was found. Respondent was placed on thirty six months probation with conditions,
25 ordered to serve two days in county jail with credit for two days served; and ordered to pay a
26 fine of \$100.00.

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10. Therefore, respondent=s license is subject to discipline in that his conviction of Penal Code section 664/Health & Safety code section 11350(b), attempted possession of a controlled substance is substantially related to the practice of physical therapy.

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PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapy Assistant License Number AT 550, issued to Hussein Salah;

2. Ordering Hussein Salah to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: June 2, 2003

Original signed by Steve K. Hartzell
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant